

Department of Permits and Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204
Baltimore County, Maryland

In the Matter of

Civil Citation No. 71092

Claude Snyder Jr.
Jacqueline E. Rogers

4833 Deer Park Road

Respondents

FINDINGS OF FACT AND CONCLUSIONS OF LAW
FINAL ORDER OF THE CODE ENFORCEMENT HEARING OFFICER

This matter came before the Baltimore County Code Enforcement Hearing Officer on February 2, 2010 for a Hearing on a citation for violations under the Baltimore County Code (BCC) section 13-7-310, 312, failure to remove accumulation of trash, junk and debris; Baltimore County Zoning Regulations (BCZR) section 1B01.1D, failure to remove open dump conditions on residential property known as 4833 Deer Park Road, 21117.

On January 8, 2010, pursuant to Baltimore County Code §3-6-205, Inspector David Kirby issued a Code Enforcement & Inspections Citation. The citation was sent to the Respondent by 1st class mail to the last known address listed in the Maryland State Tax Assessment files.

The citation proposed a civil penalty of \$2,000.00 (two thousand dollars).

The Respondent failed to request a Code Enforcement Hearing and/or failed to appear after requesting a Hearing. Baltimore County Code, § 3-6-205(d) provides that in case of failure to request a Code Enforcement Hearing or if the violator (Respondent) fails to appear after requesting a Hearing then the citation and the civil penalty, shall be the Final Order of the Code Official not subject to appeal.

The following persons appeared for the Hearing and testified: Helen Evans, Contract Purchaser of the property along with Glenn Leach and, David Kirby, Baltimore County Code Enforcement Officer.

After proper consideration of all the evidence and testimony presented, the Hearing Officer finds:

A. A Correction Notice was issued on November 16, 2009 for removal of untagged/inoperative motor vehicles, remove open dump/junk yard, license/remove untagged recreation vehicle, remove trash and debris. This Citation was issued on January 8, 2010.

B. Inspector Dave Kirby testified that following receipt of a complaint, he inspected the property in November 2009 and found large quantities of junk, trash and debris. The property appears to have been used for a landscaping business, as some debris includes dead potted shrubs and trees, logs, and pallets. There was a boat on a trailer with no tag, and two trucks with expired or missing tags. Photographs in the file show the boat, trailer, and vehicles; piles of debris; pallets; logs; and a large pile of junk, trash and debris in the driveway. Inspector Kirby further testified that re-inspection on January 8, 2010 and February 1, 2010 found no improvement except the trucks and the boat have been removed.

C. Inspector Kirby testified that during his initial inspection he met Ms. Helen Evans, who has subsequently purchased the property at auction. Ms. Evans testified that she purchased the property at auction from Sykesville Bank but that she has not yet been able to bring the transaction to settlement and take control of the property. The property is 3 acres in size. The current property owners have not responded to the County's notices; the Citation was posted on the property's front door, so the owners have received proper notice. BCC Section 3-6-205.

D. The evidence clearly shows that open dump conditions continue unabated at this residential property. This violates prohibitions against the accumulation of junk, trash and debris on residential property, and prohibitions against creation of possible harborage for rats. BCC Section 13-4-201, Section 13-7-309, Section 13-7-310. If the violations are not corrected within the time provided below, the County will be authorized to enter the property to remove junk, trash and debris, at the property owners' expense.

IT IS ORDERED by the Code Enforcement Hearing Officer that a civil penalty be imposed in the amount of \$1,000.00 (one thousand dollars).

IT IS FURTHER ORDERED that the civil penalty will be REDUCED to \$500.00 (five hundred dollars) if the violations are corrected by March 15, 2010.

IT IS FURTHER ORDERED that after March 15, 2010, the County may enter the property for the purpose of removing junk, trash and debris and correcting the open dump/junk yard conditions, at the property owners' expense.

IT IS FURTHER ORDERED that if not paid within thirty days of billing, the civil penalty AND any expenses incurred by Baltimore County, as authorized above, shall be imposed and placed as a lien upon the property.

IT IS FURTHER ORDERED that the County inspect the property to determine whether the violations have been corrected.

ORDERED this 17th day of February 2010

Signed: ORIGINAL SIGNED
Margaret Z. Ferguson
Baltimore County Hearing Officer